

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: August 27, 2020
TO: Honorable Board of Police Commissioners
FROM: Inspector General
SUBJECT: K-9 CONTACT REQUIRING HOSPITALIZATION – 047-19 FOR 9/1/20
CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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Outside City	10/7/19	12:58 a.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Huynh, N./PO III	24 years, 7 months
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Total Involved Officer(s)

1 x PO III + I
3 x PO III

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Garrett Scott Coressel: Male White, 36 years old.

COP Recommendations

Tactics – Tactical Debrief, Officers Jenkins, Huynh, Ramirez, and Governale.

Less-Lethal Use of Force – In Policy, No Further Action, Officer Huynh.

Deployment of K-9 – Consistent with established criteria.

Contact of K-9 – Consistent with established criteria.

Post Contact K-9 Contact Procedures – Consistent with established criteria.

IG Recommendations

Tactics – Same as COP.

Less-Lethal Use of Force – Same as COP.

Deployment of K-9 – Same as COP.

Contact of K-9 – Same as COP.

Post Contact K-9 Contact Procedures – Same as COP.

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INVESTIGATION

Synopsis

On Sunday, October 6, 2019, at approximately 2240 hours, officers assigned to Pacific Patrol Division responded to a prowler/vehicle dwelling radio call at 230 Bernard Avenue. Upon arrival, the officers located the vehicle. Their investigation lead to their discovering the vehicle had been stolen and observing a suspect run from the location on foot. A foot pursuit ensued and a tactical perimeter was established in the surrounding neighborhood. Officers from Metropolitan Division's K-9 Unit responded to the perimeter and conducted a K-9 search. When the K-9 located the suspect, the suspect resisted the K-9, resulting in a bite.

OIG Note No. 1: The FID investigation did not determine what prompted the K-9 (named "Dutch") to initially bite the suspect. There is no direct evidence to indicate whether the suspect "resisted" when K-9 Dutch located him hiding, and K-9 Dutch did not bark prior to making contact with the suspect. Although the suspect could be heard yelling when he was located by K-9 Dutch, the FID investigation did not determine if the yelling occurred before or after K-9 Dutch's initiation of a bite.

The suspect was subsequently hospitalized due to injuries received from the bite.

Annotated Force Investigation Division (FID) Incident Summary¹

On Sunday, October 6, 2019, at 2236:40 hours, an unknown female telephoned Los Angeles Police Department (LAPD) Communications Division (CD). She reported that a white truck had been parked in front of 230 Bernard Avenue over the weekend, occupied by a male Hispanic. She went on to describe the individual as being approximately 45 years old and possibly under the influence of narcotics.

At approximately 2241 hours, CD generated a non-priority prowler/vehicle at a dwelling call: "SUBJ VEH WHT FORD PICKUP TRUCK '91121J1' PARKED AT LOC SINCE 10/5 AT 0830, SUBJ M/H 45 YRS NFD, POSS LIVING IN VEH." 230 Bernard Avenue, RD 1414, Incident 191006005623 (Addendum No. 1).

At approximately 2241 hours, Police Officers II Richard Castillo, Serial No. 41733, and Jonathan Suchecki, Serial No. 42450, assigned Unit 14A13, were working uniformed patrol in Pacific Division.²

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

According to Officer Castillo, Officer Suchecki and he were not regular partners. They had worked together for approximately two days and had discussed tactics at the start of watch on the first day they worked together. Additionally, Officer Castillo discussed tactics for traffic stops, with an emphasis on communication.

At 2241:59 hours, Officer Castillo broadcast over Pacific Base Frequency to CD to put incident 5623 into his call queue. The officers then went enroute to 230 Bernard Avenue.

At 2244:20 hours, CD broadcast, "14A13, 14A13, your prowler complaint is now a GTA suspect there now, suspect vehicle license '91121J1' returns 2011, Ford F15, correction F150 pickup, white, Code-37, is now code 2, incident 5623, RD 1414."

According to Officer Suchecki, he heard the stolen vehicle broadcast as they drove northbound onto Bernard Avenue and approached the location of the call. At 2245:20 hours, Officer Castillo broadcast that they were Code-Six. Officer Suchecki parked their police vehicle south of the stolen vehicle by approximately one car length. According to Officer Suchecki, he shined his vehicle's spotlight at the stolen vehicle and was able to see a single occupant located on the driver side.

According to Officer Castillo, as he and his partner arrived at the location, he utilized his Mobile Data Computer (MDC) to confirm the vehicle was stolen. At 2245:40 hours, Officer Castillo broadcast a request for back-up, supervisor and an air unit. Sergeant I Darryl Jacobs, Serial No. 37696, assigned Unit 14L50, broadcast he was responding to the back-up request.

Officers Castillo and Suchecki exited their police vehicle. Officer Castillo observed the suspect, later identified as Garrett Coressel, seated inside the vehicle. According to Officer Suchecki, he unholstered his service pistol and held it in a two-handed, low ready position, due to Coressel being a Grand Theft Auto (GTA) suspect.³ According to both Officers Castillo and Suchecki, they began to give verbal commands to Coressel to put his hands outside the truck window. As Officer Castillo gave commands, Coressel opened the stolen vehicle's driver side door and stepped partially out. According to

² Officer Richard Castillo, five years, two months with the Department, 35 years of age, six feet, four inches tall, 240 pounds. Officer Jonathan Suchecki, three years, eight months with the Department, 40 years of age, five feet, six inches tall, 150 pounds. Officers Castillo and Suchecki were in full police uniform, wearing ballistic vests and equipped with Department approved handguns, handcuffs and canisters of Oleoresin Capsicum (OC) spray attached to their Sam Browne equipment belts. Both officers carried Hobble Restraint Devices (HRD) on their persons. They were working in a marked black and white police vehicle, Shop No. 81080, equipped with overhead emergency lights, siren and a Digital In-Car Video System (DICVS). Officer Suchecki was the driver officer and Officer Castillo was the passenger. Both officers were equipped with Body Worn Video (BWV).

³ Both Officer Suchecki and Castillo stated in their interviews that while they were participating in the K-9 search, they had unholstered their firearms due to the suspect possibly being a threat or armed with a weapon.

Officer Castillo, Coressel stated, "What's wrong? I didn't do anything."⁴ Officer Castillo gave an additional command for Coressel to get back inside the vehicle.

As depicted on Officer Suchecki's BWV, Coressel's vehicle was parked on the east curb of Bernard Avenue, approximately 20 feet north of the officers' position. Coressel partially stepped outside of the vehicle and faced toward the officers. Coressel was illuminated by the police vehicle's spotlight and was wearing a gray t-shirt and tan pants. After seven seconds, Coressel turned away from the officers and ran from the driver side of the vehicle northbound on Bernard Avenue.⁵

[...]

According to Officer Castillo, he and Officer Suchecki re-entered their police vehicle and began to follow Coressel. Officer Castillo observed Coressel run northbound, cross over Dewey Street and then cross north over Ozone Park and onto Ozone Street. According to Officer Castillo, as they were driving eastbound on Ozone Street, they closed the distance with Coressel. At 2246:30 hours, Officer Castillo broadcast the suspect was traveling northbound and gave a suspect description.

At 2247:22 hours, Officer Castillo broadcast on Pacific base frequency that they were in foot pursuit northbound across Ozone Street. As Officers Castillo and Suchecki prepared to deploy from their police vehicle, Coressel suddenly stopped running east and turned back west on the north sidewalk of Ozone Street. Coressel continued to run west until he reached 721 Ozone Street, where he turned north into the east side yard.

As depicted on Officer Suchecki's BWV, he and Officer Castillo exited their vehicle and continued to pursue Coressel on foot into the east side yard of 721 Ozone Street. Officer Castillo was in the lead position, with Officer Suchecki following approximately ten feet behind. During the foot pursuit, due to Coressel being a GTA suspect, Officer Suchecki unholstered his duty pistol and held it in a two-handed low ready grip (Investigators' Note No. 1).⁶

According to Officer Castillo, Coressel continued to run into the rear yard of 721 Ozone Street. Due to Coressel being wanted for GTA, as Officer Castillo approached to within 15 to 20 yards of Coressel, he unholstered his duty pistol with his right hand and held it near his right waist.⁷ Officer Castillo observed Coressel jump over the rear fence on the northside of 721 Ozone Street and into the east-west alley north of Ozone Street.

⁴ Castillo, Page 8, Lines 18-23.

⁵ Officer Suchecki's BWV 05:46:15Z. The timestamp provided by the BWV system is in "Zulu time." Zulu time is aligned with Greenwich Mean Time, which is seven hours ahead of Pacific Standard Time. For example, 17:00:00Z is 12:00:00 Hours Pacific Standard Time.

⁶ Suchecki's BWV 05:47:11Z.

⁷ *Id.*, BWV 05:47:11Z.

According to Officer Castillo, due to the fence acting as a barrier, he and Officer Suchecki were unable to continue pursuit of Coressel and returned to their police vehicle to set up a perimeter (Investigators' Note No. 2).

Note: According to Officer Castillo, after he and Officer Suchecki lost sight of Coressel, they transitioned from apprehension mode to containment mode.

At 2247:50 hours, Police Officer II Luis Rosas, Serial No. 42085, and Police Officer I Christopher Escobar Perez, Serial No. 43724, assigned Unit 14A25, arrived at 721 Ozone Street and assisted in establishing the perimeter.

At 2248:20 hours, Pilot Police Officer II+6 Edward Hewitt, Serial No. 39644, and Tactical Flight Officer (TFO) Police Officer II+6 Joseph Stevenson, Serial No. 38712, assigned Air 18, Air Support Division (ASD), responded to 230 Bernard Avenue and assisted with setting up containment of the area.

Note: The perimeter encompassed Marine Street to the north, Longfellow Street to the east, Ozone Street to the south, and 7th Street to the west. The perimeter was within the City of Santa Monica and approximately three blocks in size.

At 2254:30 hours, Sergeant Jacobs arrived at scene and established a Command Post (CP) at Machado Drive and Lincoln Boulevard, declared himself the Incident Commander (IC) and notified Metropolitan Division of the incident (Addendum No. 2).

Note: Once the perimeter was set, communications for the incident were transferred to West Bureau Tactical 1, Channel 39 (TAC 1, Channel 39).

At 2315:36 hours, TFO Stevenson broadcast on TAC 1, Channel 39 that Metropolitan Division K-9 units were enroute from North Hollywood Division to their perimeter in Santa Monica.

Note: At 2329:20 hours, Pilot Police Sergeant II+3 Juhee Kim, Serial No. 34555, and TFO Police Officer II+6 Robert Golden, Serial No. 31566, assigned Unit Air 3, arrived over the perimeter and relieved Air 18.



Perimeter Map

As depicted on Officer Suchecki's BWV, he and Officer Castillo returned to the stolen vehicle at 230 Bernard Avenue after the perimeter was set. Once back at that location, Officers Suchecki and Castillo visually cleared the interior of the stolen vehicle.⁸

Note: According to both Officers Suchecki and Castillo, they did not clear the interior of the truck during their initial encounter with Coressel. However, Officer Castillo indicated that the vehicle's windows were not tinted and that he only saw Coressel in the truck's interior. Both officers believed Coressel was the sole occupant of the vehicle at the time of their initial contact.

At approximately 2304 hours, Sergeant I Jared Witzer, Serial No. 39316, Unit 14L60, responded to 230 Bernard Avenue, where Officers Castillo and Suchecki briefed him on the incident.

At approximately 2320 hours, the following officers assigned to the Metropolitan K-9 Unit arrived at the CP: Sergeant II Henry Miller, Serial No. 26238, Unit K9-40, Police Officer III+1 Steven Jenkins, Serial No. 26806, Unit K9-3, Police Officers III Mike Peters,

⁸ Suchecki's BWV 05:55:50Z.

Serial No. 30256, Unit K9-6, Alan Ramirez, Serial No. 33872, Unit K9-11, Nhut Huynh, Serial No. 31499, Unit K9-13, and Alvaro Governale, Serial No. 40360, Unit K9-18.⁹

Sergeant Miller and Officer Jenkins met with Sergeant Jacobs who briefed them on what had transpired. Additionally, Officers Castillo and Suchecki provided Sergeant Miller with more detailed information on the call and a suspect description. Based on the information received, Sergeant Miller authorized K-9 to conduct a search for the GTA suspect. Once Sergeant Miller briefed Sergeant Jacobs on the specifics of the plan, Sergeant Jacobs approved the K-9 search.

According to Sergeant Miller, Officer Jenkins was designated to lead the first team of K-9 handlers. The team consisted of Officer Jenkins, his K-9, Dutch, Serial No. K9-328, Officers Huynh, Ramirez, and Governale.¹⁰

A second K-9 search team consisted of K-9 handler Officer Peters and his K-9, Storm, Serial No. K9-324, Officers Castillo and Suchecki.

According to Officer Jenkins, he met with the other K-9 officers and explained the search plan. Officer Jenkins' team would search from east to west, along the north side of Ozone Street and hold the residence at 721 Ozone Street. Officer Peters' team would be responsible for searching the east-west alley between Ozone Street and Navy Street.¹¹

Between 0009 and 0021 hours, multiple K-9 search announcements were made in English and Spanish over the Public Address (PA) systems from ground units positioned around the perimeter and from Air 3.

The officers making the announcements utilized the pre-recorded message from the MDC in their respective police vehicles. Their positions on the perimeter and shop numbers were documented by Sergeant Miller (Addendum No. 3).

Note: Detectives assigned to FID located and interviewed a total of eight civilian witnesses that were within the perimeter. All of them stated they heard the K-9 announcements. During his interview after the incident, Suspect Coressel refused to answer questions or otherwise make any statements to investigators regarding the K-9 announcements.

⁹ Officer Steve Jenkins, 30 years, five months of service, 52 years of age, six feet tall, 225 pounds. Officer Nhut Huynh, 24 years, seven months of service, 45 years of age, five feet, nine inches tall, 175 pounds. Both officers were wearing a Metropolitan Division issued tactical utility uniform, ballistic vests and were equipped with Department approved handguns holstered to their right thighs, handcuffs, canisters of OC spray, HRD and BWV cameras.

¹⁰ K-9 Dutch, Serial No. K9-328, Breed: Belgian Malinois, four years old. Appointed to the Department on January 24, 2019 and certified on June 28, 2019. As of the date of this incident, Dutch had 15 deployments, 13 finds and four contacts.

¹¹ All the officers assigned to Metropolitan Division's K-9 Unit were wearing issued utility uniforms and tactical vests that identified them as police officers.

Prior to the K-9 search, Officer Jenkins provided roles to his team. As the officers worked in a Diamond Formation, Officer Huynh would be on point and would be armed with a pistol, Officer Jenkins would handle K-9 Dutch, while Officers Ramirez and Governale would cover the team's flanks and rear. All officers on Officer Jenkins' search team were equipped with Model X26P TASERs.

As depicted on video footage retrieved from Officer Castillo's BWV, Officer Peters deployed K-9 Storm to the east-west alley between Ozone Street and Navy Street.¹² Officer Peters' search team consisted of Officer Suchecki, was the point officer and Officer Castillo covering the team's flanks and rear. Peters' team worked west in the alley until they reached 7th Street, then proceeded to the rear of 721 Ozone Street, where they met up with Officer Jenkins' search team. According to Officer Peters, K-9 Storm did not alert on a scent while searching the alley. Once in the rear of 721 Ozone Street, Officer Suchecki showed Officers Governale and Huynh where the suspect had jumped the fence.¹³

According to Officer Jenkins, he had received information from a radio broadcast on TAC 1, Channel 39 of a prowler call at 724 Navy Street and decided to move his search team north to that area. Officer Jenkins' team entered the east-west alley north of 721 Ozone Street. He directed K-9 Dutch to run ahead and clear several side yards and the east portion of the alley on the southside of Navy Street. Once the team was finished in the alley, Officer Jenkins directed Dutch north through the west side yard of 724 Navy Street. The team followed Dutch through the yard and to the front of the residence.

Officer Jenkins used his flashlight to illuminate the east side yard of 724 Navy Street. He then directed Dutch south of his position, toward a closed door at the end of the yard. Officer Huynh opened the closed door which lead into a garage. Officer Jenkins sent Dutch into the garage to continue the search.¹⁴ As Officers Huynh, Governale and Jenkins assisted in clearing the garage area, Officer Ramirez contacted Thomas Hill, the resident of 724 Navy Street, at the east side door of his residence. According to Hill, between 2230 and 2300 hours on October 6, 2019, he heard loud noises, as if something was being broken, coming from the alley south of his property. According to Officer Ramirez, he briefed Officer Jenkins on the information he received from Hill.

Once the garage area was cleared, Officer Jenkins decided that his team would continue their search eastbound, away from 724 Navy Street, while Officer Peters' team would search westbound from that location.

¹² Because Coressel was a felony suspect and potentially armed, officers on the search teams periodically unholstered their firearms during the search. They held their firearms in a low-ready position with their fingers along the frames of their pistols.

¹³ Castillo, BWV 07:28:51Z.

¹⁴ Jenkins, BWV 07:34:55Z.

As depicted on Officer Jenkins' BWV, the search team continued to clear the front, back and side yards of 728 Navy Street and then moved east toward 730 Navy Street.¹⁵ According to Officer Jenkins, Dutch continued to work east on the south side of Navy Street until the team reached the residence located at 738 Navy Street.

According to Officer Jenkins, once Dutch reached 738 Navy Street, he went around the northeast corner of the residence and into the east side yard of the property. In video footage obtained from Officer Jenkins' BWV, he (Jenkins) was observed taking a position on the south sidewalk of Navy Street and facing south toward the east side yard. Officer Governale took a position a few feet south and to the right of Officer Jenkins. Officer Huynh faced toward the front door of the residence. As both Officers Jenkins and Governale illuminated the east side yard with their flashlights, K-9 Dutch can be seen approximately 40 feet south of their position searching the side yard.¹⁶ Dutch appeared to search in that general area for approximately ten seconds, after which Suspect Coressel can be heard yelling.

[...]

When Coressel began to yell, Officer Jenkins moved south into the front yard of 738 Navy. During this time, the side yard was still illuminated by Officer Governale's flashlight and Coressel can be seen in a seated position facing toward Dutch with his right arm around Dutch's upper body.¹⁷

According to Officer Jenkins, as K-9 Dutch and Coressel moved into a more centered position, Coressel could be seen choking the dog:

So, over the 12 years of working K-9 I've seen a lot of contacts. I've seen a lot of altercations between dogs. And you have two types of suspects that are going to fight with the dog. You're going to have suspect one who's trying to hold onto the dog's collar and keep the dog at bay. And then you're going to have the other suspect that's trying to physically harm that dog.

The suspect today was trying to physically harm the dog. If you see in the video, he actually puts him into a -- like a carotid choke hold on my dog. And not only does he do the carotid choke hold on the dog he actually rolls his body over onto my dog's neck pinning the dog to the ground.¹⁸

¹⁵ *Id.*, 07:43:48Z

¹⁶ *Id.*, 07:57:30Z.

¹⁷ *Id.*, 07:57:42Z.

¹⁸ Officer Jenkins' transcribed statement page 30, lines 14-30 through page 31, line 1.



Depicts east side yard of 738 Navy Street.

Officer Jenkins immediately gave verbal orders to Coressel to stop moving and let go of the dog. Officer Jenkins began to move south toward the east side yard. Officer Governale maintained his distance and continued to illuminate the yard with his flashlight. As depicted on BWV, Dutch can be observed with a bite hold on Coressel's right calf.¹⁹

According to Officer Jenkins, based on Coressel's violent behavior he was not going to respond to verbal commands. Officer Jenkins decided that in order to take the suspect into custody, prevent further bite injuries and to recall the dog, they would need to utilize a TASER. Officer Jenkins made the following observations of Coressel's behavior:

So, he's already shown that he's going to sit there and he's going to play the game. He's going to appear to comply. He's going to run. So with that in my mind the fact that he's assaulting the dog, the aggressive behavior of the dog I formed the opinion that for us to approach and effect an arrest he's going to be aggressive combative and he's going to fight with us.

So, at that point, I know that for us to safely take him into custody, for me to be able to get my dog away from him who he is holding and is still biting him and to minimize the injury to the suspect we need to stop his aggressive violent behavior to take him into custody and to prevent additional injury to him from the dog. So, at that point, I'm yelling for a TASER up.²⁰

¹⁹ Jenkins and Governale's BWV 07:57:47Z.

²⁰ Jenkins, Page 31, Lines 14-25 and Page 32, Line 2.

Officer Jenkins began to call for a TASER and requested the team to move closer to Coressel.

As depicted on Officer Huynh's BWV, as Officer Jenkins called for a TASER, Officer Huynh moved south past Officer Governale and into the east side yard.²¹ Initially, as Officer Huynh moved closer to Coressel, he held his pistol in a two-handed, low ready position, utilizing his pistol's X300 tactical light to illuminate the yard. Officers Governale and Jenkins followed behind Officer Huynh. Officers Jenkins and Huynh continuously gave verbal commands for Coressel to let go of the dog as the team converged on his position. As Officer Huynh closed the distance to within ten feet of Coressel's location, he holstered his pistol and drew his TASER using a two-handed grip.

According to Officer Huynh, as he approached Coressel, he (Huynh) observed that the suspect had his right arm wrapped around Dutch's neck area and appeared to be curling his body around the dog. Additionally, Officer Huynh observed that Dutch had a bite hold on Coressel's right leg. In Officer Huynh's opinion, it was unsafe for the officers to continue their approach and go hands on with the suspect. Huynh further opined that the use of the TASER would be the safest option to deescalate the situation and separate the K-9 and Coressel:

But being a handler myself I also know that the dog can't be recalled if he's choking the dog and the dog is only doing mother nature defending himself at that point.

So the only options that I had in front of me to deescalate this and stop his aggressive resistance to our tool, our arrest tool, was to use the TASER and incapacitate him long enough so that he would release the dog and I'd be able to get closer and one of us would be able to get hands on.

Because he had the dog and if he didn't release the dog if we were to just -- and all of this is going through my mind. If I went up or one of us went up and tried putting hands on him the fight between him and the dog would definitely translate over to one of us.

Meaning for sure from him in my mind it was a hundred percent it was going to translate to us but because the dog is in a fight and the potential for myself or one of the other handlers getting bit was very high as well.²²

Officer Huynh went on to say:

So, the TASER was my only option at that point to -- to prevent any further escalation of force and to deescalate what was going on as fast as possible.²³

²¹ Huynh's BWV 07:57:50Z.

²² Huynh, Page 17, Lines 2-19.

At that time, Coressel can be observed facing away from Officer Huynh and appeared to be laying over Dutch with his right arm around the dog's neck.²⁴ According to Officer Huynh, due to Coressel's body position, he was able to target the suspect's lower back area.

Note: According to Officer Huynh, he was unable to issue a verbal Use of Force Warning to Coressel due to the minimal time it took the suspect to escalate his violent assault and strangulation of Dutch.

Officer Huynh deployed his TASER in probe mode from an approximate distance of ten feet from Coressel. The TASER probes struck Coressel in the lower back.²⁵

Note: According to Officer Jenkins, he initially unholstered his TASER, however he observed that Officer Huynh already had drawn his TASER. Officer Jenkins immediately holstered his TASER and drew his pistol to act as a lethal cover officer.

As captured on Officer Huynh's BWV, after the TASER was deployed, Coressel released Dutch and rolled left onto his back, facing toward Officer Huynh. Dutch then obtained a bite hold on Coressel's right calf.²⁶ According to Officer Huynh, Coressel was still moving after the first TASER activation. To prevent Coressel from reengaging the dog, Officer Huynh reactivated the TASER for a second cycle. After the second TASER cycle concluded, Officer Huynh observed that Coressel sat up and placed his right arm around Dutch's neck again. Officer Huynh then activated the TASER for a third cycle. Coressel released Dutch and laid on his back. Dutch then released his bite hold of Coressel's right calf (Addendum No. 4).²⁷

According to Officer Jenkins, during the brief period when Coressel released his second hold of K-9 Dutch, he began to recall the dog by issuing the verbal command, "Platz."²⁸

²³ *Id.*, Page 18, Lines 9-11.

²⁴ Huynh BWV 07:57:54Z.

²⁵ *Id.*, 07:57:59Z.

²⁶ *Id.*, 07:58:03Z.

²⁷ Sergeant II Jess Falk, Serial No. 38231, FID, acquired the TASER log for TASER utilized by Officer Huynh (TASER No. X160004MF). According to the log, there were three separate TASER activations on October 7, 2019 during timeframe of this incident. Sequence 1677, at 01:01:03 hours for six seconds, Sequence 1678, at 01:01:10 hours for five seconds and Sequence 1679, at 01:01:18 for five seconds. According to the time sync noted in the TASER log, the time stamps on the TASER log contain a time difference of approximately plus three minutes, four seconds.

²⁸ "Platz" is German for "down," and is the commonly used verbal command for a K-9 to heel and/or return to its handler.

Simultaneously, Officer Jenkins utilized Dutch's E-Collar to assist in recalling the dog.²⁹ According to Officer Jenkins, Dutch immediately let go of Coressel during the first platz command, however when the suspect attempted to grab Dutch a second time, Jenkins had to issue additional platz commands to help guide the dog back to his position.

Note: As depicted in Officer Huynh's BWV, Dutch released his bite hold on Coressel during Officer Jenkin's second platz command.³⁰

As observed on Officer Jenkins BWV, Officer Jenkins issued a total of nine platz commands that ultimately guided Dutch back to his position approximately ten feet north of the suspect (Addendum No. 5).³¹

Note: Officer Jenkins explained that multiple platz commands were needed to assist Dutch as he navigated his way through the officers back to his position.

According to Officer Ramirez, Officer Huynh ordered Coressel into a felony prone position by having him lay face down with his hands out to his side. As Officer Huynh and Governale provided cover, Officer Ramirez approached Coressel and handcuffed him without further incident. Coressel was then walked to the front of 738 Navy Street, where he was sat down on the south curb.

At 0059 hours, Officer Jenkins radioed the CP to request a Rescue Ambulance (RA) for Coressel. Sergeant Miller responded to the front of 738 Navy Street to conduct a K-9 contact investigation and asked Coressel questions pertaining to the contact. Coressel remained silent and did not respond to any questions posed by Sergeant Miller. According to Sergeant Miller, he observed Coressel had sustained an injury to his right leg. Additionally, Officers Castillo and Suchecki responded to 738 Navy Street and positively identified Coressel as the GTA suspect.

At 0116 hours, Emergency Medical Technicians (EMT) Joshua Catone, Serial No. 2179, and Jose Arroyo, Serial No. 2900, Santa Monica Fire Department (SMFD), arrived at scene. According to Sergeant Miller, once Coressel was lifted into the RA, he could better observe his leg injury and determined that it may be severe enough that Coressel may require hospitalization. Sergeant Miller communicated this to the IC and advised that the involved officers will need to be separated and monitored. Coressel was subsequently transported by RA to University of California Los Angeles (UCLA) Santa Monica Hospital for treatment.

²⁹ "E-Collar" is an electronic collar utilized by K-9 handlers to help the handler give correction to the dog. The E-Collar is used in conjunction with verbal commands. The collar is used via a remote control that the handler activates.

³⁰ Officer Jenkins and Huynh's BWV 07:58:14Z.

³¹ Jenkins BWV 07:58:13Z.

Note: At 0416 hours, Detective III Timothy Grabe, Serial No. 32649, FID received telephonic notification to respond to Pacific station to conduct a Categorical Use of Force (CUOF) Assessment of the K-9 contact.

Police Officer III Osmani Baeza, Serial No. 36110, and Police Officer I Angel Jalomo, Serial No. 43803, Unit 14A73, were tasked with accompanying Coressel to the hospital. Officer Jalomo rode in the back of the RA, while Officer Baeza followed. At Santa Monica Hospital, Officer Jalomo spoke with Doctor Frank Day, who advised they had bandaged Coressel's wound and were ready to release him. As it was believed Coressel would not be admitted into the hospital, FID was not initially notified. At approximately 0441 hours, Officers Jalomo and Baeza transported Coressel to Pacific station for booking (Investigators' Note No. 3).

While at Pacific station awaiting booking, Coressel's leg bandage fell off, necessitating a response from the Los Angeles Fire Department (LAFD). Coressel was subsequently transported by LAFD RA No. 867 to UCLA Ronald Reagan Medical Center.

At 1050 hours, after learning that Coressel would be admitted to UCLA Ronald Reagan Medical Center, Detective III Anthony Rheault, Serial No. 33961, FID notified Police Services Representative (PSR) II Chase Chavez, Serial No. N3877, Department Operations Center (DOC), of Coressel's hospitalization and that FID would be handling the administrative investigation connected to the K-9 contact.

Sergeant Falk reviewed all documents and circumstances surrounding the separation, monitoring and the admonition for the officers not to discuss the incident prior to being interviewed by FID investigators (Addendum No. 6).

Scene Description

The neighborhood consisted of single and multi-family dwellings. The K-9 contact occurred in the east side yard of 738 Navy Street. The east side yard was five feet, six inches wide (fence to exterior house wall). The K-9 contact occurred approximately 50 feet south of the south sidewalk of Navy Street. The residence was located six structures west of Longfellow Street on the north side of Navy Street. The side yard did not have any artificial lighting; only ambient lighting from nearby residences and lamp standards.



Depicts the east side yard where the K-9 contact occurred from the front of 738 Navy Street.

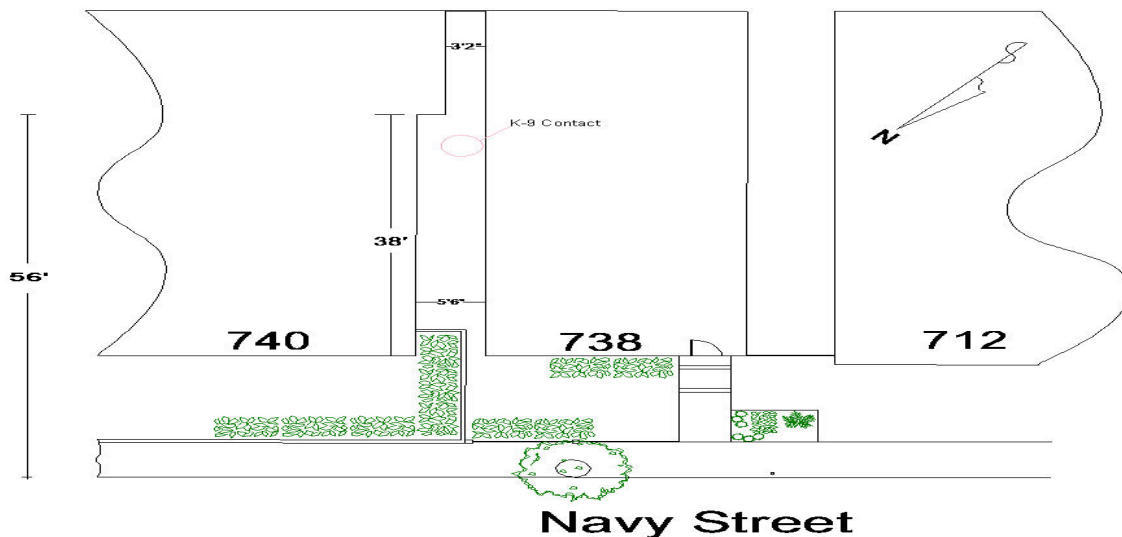


Diagram: Depicts the 700 Block of Navy Street.

Canvass for Witnesses

On October 7, 2019, FID personnel conducted a canvass for potential witnesses. The perimeter of the canvass included the north and south residences on the 700 block of Navy and Ozone Streets. Unless otherwise noted, the statements of all witnesses were recorded, transcribed and are contained in this report. Eight witnesses recalled hearing the K-9 announcements and copies of their statements are incorporated in this report (Addendum No. 7).

Suspect Information



Garrett Scott Coressel was a male, Caucasian, with black hair and brown eyes. At the time of the incident, he was five feet, eight inches in height, weighed 160 pounds, and had a date of birth of January 1, 1983. Coressel was documented as transient on his last police contact.

He was identified by California Information and Identification (CII) No. 38170626, and was listed in the Consolidated Criminal History Reporting System (CCHRS) as "John Doe." Coressel's criminal history commenced in December of 2009 and included arrests for Driving While Intoxicated, narcotics, Burglary, Assault with a Deadly Weapon (ADW) and Theft. According to Coressel's criminal history, he is a multi-state offender with criminal complaints filed in Ohio, Arizona and California. On May 14, 2019, Coressel received a felony conviction in San Bernardino County stemming from an ADW charge that resulted in 224 days in jail and his being placed on probation for three years (Addendum No. 8).

Coressel had no prior contacts with the Department's Mental Evaluation Unit.

On October 7, 2019, Detective Rheault attempted to interview Coressel at UCLA Medical Center. Coressel refused to provide a statement and declined to sign a Medical Release form.

As a result of this incident, Coressel was arrested and booked for Section 487(D)(1) of the California Penal Code (PC), Theft of an Automobile.

On December 5, 2019, Detective I Ericka Spence, Serial No. 34891, Pacific Area, contacted Detective T. Gates, San Bernardino County Sheriff's Department. Detective Gates advised that the San Bernardino County District Attorney's Office had filed on Coressel. At the time of this investigation the San Bernardino Sheriff's Department had not responded to FID's request for the specific charges filed on Coressel by the San Bernardino County District Attorney's Office.

On January 16, 2020, Los Angeles Deputy City Attorney Aaron Friedman filed one count against Coressel pursuant to Section 600(a) PC - Malicious Mischief (Assault on a Police Animal) and eight counts pursuant to Section 148(a)(1) PC - Obstructing a Peace Officer.

Injuries

On October 7, 2019, at approximately 0125 hours, SMFD EMTs Catone and Arroyo transported Coressel to UCLA Santa Monica Hospital. Upon arrival at the hospital, Coressel was treated under Patient Medical Record Number (MRN) 5185542. Doctor Frank Day treated Coressel for dog bites to his right lower leg. At 0438 hours, Coressel was released back into the care of LAPD and transported to Pacific station for booking.

At 0500 hours, Coressel arrived at Pacific station. While at Pacific station, the dressing applied to Coressel's leg wound fell off requiring a response from LAFD RA No. 867. At 0702 hours, Coressel was transported to UCLA Ronald Reagan Medical Center and admitted under Patient MRN 6133316. Doctor Stephanie Kim advised that Coressel's bite wound could not be closed for 24 hours and that he would need to be admitted to the hospital for observation.

On October 23, 2019, Sergeant Falk served a Search Warrant to UCLA Ronald Reagan Medical Center Custodian of Records to obtain medical records for Garrett Coressel. A review of the medical records indicated that Coressel was seen by Doctor Frank Day on October 7, 2019. Doctor Day noted that Coressel suffered from two puncture wounds on his back attributed to the use of a TASER and skin loss and a large laceration on his right lower leg attributed to a police dog bite (Addendum No. 9).

Evidence

There was a total of seven items of evidence booked in conjunction with this investigation. The items were booked under DR No. 19-9934938. Included in the evidence was a TASER cartridge and wire, portions of the Coressel's clothing and his left shoe (Addendum No. 10).

Clothing Analysis

At the time of the incident, Coressel was wearing a gray T-shirt, tan pants and tan and white shoes. Coressel's clothing provided no evidentiary value; therefore, it was not analyzed.

Visual Documentation

Digital In-Car Video System (DICVS)

Sergeant Falk reviewed the DICVS to ascertain if any DICVS-equipped units responded to this incident. The investigation determined there were a total of 12 Pacific units equipped with DICVS. Eight had footage of their response and subsequent positions on the perimeter. Unit 14A73, Officers Baeza and Jalomo (Shop No 81956), had footage of the transport of Coressel from Santa Monica Hospital to Pacific station. There was no DICVS footage of the K-9 contact.

Body Worn Video

Sergeant Falk and with FID Detectives II Jerry Sally, Serial No. 36130, and Christopher Linscomb, Serial No. 32289, reviewed footage obtained from the BWV system. The investigation determined that 24 officers from Pacific Patrol Division responded to the scene and activated their BWV at some point during their response. Nine officers from Metropolitan Division responded to the perimeter, two of those officers activated their BWV during an encounter with a member of the public (Investigators' Note No. 4).

During the review of the BWV footage, Officer Suchecki captured the foot pursuit with Coressel. Six Metropolitan K-9 Officers responded to the perimeter and conducted a K-9 Search. Officers Jenkins, Huynh, Ramirez and Governale activated their BWV and captured Coressel's movements and audio during the K-9 contact.

Social Media

Personnel assigned to FID's Cyber Unit monitored social media sites including YouTube, Facebook and Twitter from the date of the incident until the submission of this investigative report. As of the completion of this report there was no detected social media posts or activity related to this Use of Force incident.

Outside Video

None.

Photographs

Photographer III Renato Viduya, Serial No. N1332, Technical Investigation Division (TID), responded to 738 Navy Street, UCLA Ronald Reagan Medical Center and Pacific station. He photographed the scene, the involved and percipient officers and Coressel's injuries. The photographs were stored under Control No. D0770966.

On October 8, 2019, Photographer III Harry Sarkisian, Serial No. N3448, TID, photographed Coressel's clothing at TID. The photographs were stored under Control No. D0770974.

On October 8, 2019, Photographer III Marie Sallaberry, Serial No. N3637, TID, responded to Bruffy's Tow yard and the 200 block of Bernard Avenue. Sallaberry photographed the stolen vehicle and segments of the scene. The photographs were stored under Control No. D0770974.

Notifications

On October 7, 2019, at approximately 1050 hours, Detective Rheault notified the DOC of the CUOF. The details of the subsequent notifications are attached (Addendum No. 11).

Personnel at Scene

The personnel assigned to Pacific and Metropolitan Divisions were unaware that the K-9 contact would result in Coressel being admitted into the hospital. As a result, the scene was cleared and released prior to FID being notified. At 0453 hours, Detective II Douglas Johnson, Serial No. 37738, FID, was the first FID personnel to arrive on scene. At 0504 hours, Detective Grabe and Sergeant Falk responded directly to Pacific station and met with Sergeants Jacobs and Miller, who identified the personnel who were involved and made them available for FID interviews.

Communications

A copy of the CD printout relative to this incident, Incident No. 191006005623, was retained in the FID casebook. Digital recordings of the times pertinent to this incident from both the Pacific Division Base Frequency and TAC 1, Channel 39 were retained in the FID casebook. Copies of all the digitally recorded interviews were stored in the Training Evaluation and Management System (TEAMS II) database.

Justice System Integrity Division

The incident did not meet the criteria for review by the Los Angeles District Attorney's Office, Justice System Integrity Division.

Investigators' Notes

1. As depicted on Officer Suchecki's BWV (05:47:05Z), as the Officers deployed to 721 Ozone Street, Officer Castillo was in the lead of the foot pursuit. As Officer Castillo ran onto the property, Officer Suchecki unholstered his pistol with a two-handed grip and briefly covered Officer Castillo with the muzzle of his gun. In Officer Suchecki's interview with FID, he explained that he inadvertently covered his partner due to his body position during the foot pursuit. Once Officer Suchecki realized that the suspect had changed direction from east to north and that they were still in foot pursuit, he holstered his pistol.
2. Officers Castillo and Suchecki's BWV cameras were not activated during the initial response to the radio call or during the subsequent foot pursuit. Officer Suchecki's two-minute buffer time captured the initial contact and foot pursuit. Officer Castillo's did not. According to Officer Castillo, due to their quick encounter with the suspect he forgot to activate his BWV until after the foot pursuit. On March 9, 2020, Captain III Al Pasos, Serial No 25501, Commanding Officer, Force Investigation Division (FID), notified the Office of Operations (OO) and the commanding officer of the concerned bureau of this issue.
3. During a review of the BWV relevant to this investigation, it was discovered that Officers Jalomo and Baeza failed to activate their BWV while transporting Coressel from Santa Monica Hospital to Pacific station. During their FID interview, both officers could not recall if they activated their BWV during the transport to Pacific station. Their DICVS was activated during the transport. On March 9, 2020, Captain Pasos notified OO and the commanding officer of the concerned bureau of this issue.
4. During a review of the BWV relevant to this investigation, it was discovered that Metropolitan Division Police Officer III Ivan Guillermo, Serial No. 35060 and his partner Police Officer III Brian Collins, Serial No. 33382, conducted a pedestrian stop on a possible suspect on the perimeter. Officers Collins and Guillermo's BWV two-minute buffer captured the video, but not the audio of the first minute of the encounter. On April 13, 2020, Captain Pasos notified OSO of this issue.

Supplemental FID Report³²

On October 7, 2019, Metropolitan Division Police Officer III + 1 Steven Jenkins, Serial No. 26806, and his K-9 Dutch, responded to a perimeter of a Grand Theft Auto (GTA suspect at 738 Navy Street in the city of Santa Monica. While searching for the suspect, a K-9 contact occurred with the GTA suspect. The resulting bite caused the suspect to be hospitalized. Force Investigation Division (FID) personnel responded to the location and completed an investigation.

Referenced in Investigators' Note number 4, "On April 13, 2020, Captain Pasos notified OSO of this issue," should be omitted. The Investigators' Note should be updated as follows: On June 30, 2020, FID Sergeant II Jess Falk, Serial No. 38231, advised Metropolitan Division Sergeant II, Christopher De La Torre, Serial No. 33908 of the BWV buffer issue concerning Police Officer III Ivan Guillermo, Serial No. 35060 and Police Officer III Brian Collins, Serial No. 33382.

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³² On July 1, 2020, the Commanding Officer, FID, issued a supplemental report regarding this case.

CHIEF OF POLICE REPORT³³

Chief of Police Findings

- **Tactics** – Tactical Debrief, Officers Jenkins, Huynh, Ramirez, and Governale.
- **Less-Lethal Use of Force** – In Policy, No Further Action, Officer Huynh.
- **Deployment of K-9** – Consistent with established criteria.
- **Contact of K-9** – Consistent with established criteria.
- **Post K-9 Contact Procedures** – Consistent with established criteria.

Chief of Police Analysis

Detention

- Officers from Pacific Division responded to a radio call of a male using a parked vehicle as a dwelling. The patrol officers were additionally advised by CD that the vehicle described in their radio call was a stolen vehicle. Officers observed the vehicle at the radio call location and verified the vehicle was stolen via their MDC. Officers observed a lone male suspect in the driver's seat of the stolen vehicle and began giving him commands to exit the stolen vehicle. The suspect exited the vehicle and fled on foot from the location. Officers followed after the suspect in their police vehicle then engaged in a brief foot pursuit of him. Officers lost sight of the suspect after he jumped over a fence. Officers established containment of the area and Metropolitan Division, K-9 officers were contacted to respond for a search. A K-9 search located the suspect at which time a K-9 contact occurred. The officers' actions were appropriate and within Department policies and procedures.

Tactics

- *Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

³³ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication** (*Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016*).

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officer Jenkins and Sergeant Miller responded to the CP and were briefed by the Sergeant Jacobs and Officers Castillo and Suchecki. Sergeant Miller and Officer Jenkins were informed of the circumstances leading up to the response of Metropolitan Division K-9 units, including that Coressel was a felony GTA suspect who had fled from officers and was believed to be contained within the established perimeter. They confirmed that if Coressel were located and identified, he would be arrested for the felony GTA offense. Officer Jenkins was provided with a detailed description of Coressel and was advised that there was no evidence that Coressel was armed. Officer Jenkins formulated a tactical search plan that consisted of two K-9 search teams working in coordination with each other. Officer Jenkins was designated to lead the first K-9 search team with K-9 Dutch and Officer Peters was designated to lead the second search team with K-9 Storm. The search plan involved Officer Jenkins' team responding and searching the location where Coressel jumped over the fence, 721 Ozone Street, then holding at that position. Officer Peters' team would search the alley north of Ozone Street, south of Navy Street. If Coressel was not located, Officer Jenkins' intended for both K-9 teams to move north to Navy Street and starting from mid-block, to search the south side of Navy Street. The search plan was approved by Sergeants Miller and Jacobs. Officer Jenkins briefed his search team of their assignments and the search plan.

Sergeant Miller and Officer Jenkins assured pre-recorded K-9 search announcements were broadcast in English and Spanish over the PA systems from police vehicles positioned around the perimeter and from the air unit above the perimeter. Sergeant Miller documented the results of the K-9 search announcements.

Assessment – Sergeant Miller and Officer Jenkins assessed Coressel was an outstanding felony GTA suspect and determined the criteria for a K-9 search was met. Officer Jenkins assessed Coressel was as an unarmed suspect, allowing K-9 Dutch, a limited search certified police service dog, to conduct the K-9 search.³⁴

Officer Jenkins heard Coressel yell out and observed Coressel holding K-9 Dutch around the neck area and believed K-9 Dutch had obtained a bite hold of Coressel. Officer Jenkins immediately assessed the tactical situation and verbally communicated to his team to move closer. Officer Jenkins stated Coressel placed K-9 Dutch in a carotid choke hold and rolled his body over onto K-9 Dutch's neck, pinning him to the ground. Officer Jenkins believed Coressel was trying to physically harm K-9 Dutch. Officer Jenkins immediately yelled for Coressel to stop moving and to let go of K-9 Dutch. Coressel failed to comply to Officer Jenkins' repeated commands to stop moving. Based on Coressel's aggressive behavior toward K-9 Dutch, Officer Jenkins opined that Coressel would additionally fight with officers if they attempted to take Coressel into custody. Officer Jenkins assessed he needed to get K-9 Dutch away from Coressel's hold so that he could recall K-9 Dutch and at the same time prevent additional injury to Coressel. In an effort to de-escalate the situation, Officer Jenkins requested a TASER to be deployed.

Officer Huynh observed Coressel choking and actively fighting K-9 Dutch, while K-9 Dutch had a bite hold on Coressel's right lower leg area. Officer Huynh assessed the situation and determined that transitioning to a less-lethal tool was the optimal option based on Coressel's violent behavior with K-9 Dutch. Officer Huynh opined that if officers attempted to physically take Coressel into custody, Coressel's violent behavior toward K-9 Dutch would translate toward the officers. There would also be a high potential an officer could be bitten if they approached K-9 Dutch, while he was engaged in a struggle with Coressel. Officer Huynh observed Coressel was in a curled-up position with a choke hold on K-9 Dutch, while at the same time putting his body weight on top of K-9 Dutch. Based on the positioning of Coressel and K-9 Dutch, Officer Huynh assessed K-9 Dutch couldn't get out of Coressel's hold, leading K-9 Dutch to continue to defend himself against Coressel. Officer Huynh stated he was concerned for Coressel's welfare because the longer Coressel held onto K-9 Dutch, the greater potential for Coressel to be injured even further. Officer Huynh deployed his TASER in order to de-escalate Coressel's aggressive behavior and incapacitate Coressel long enough so that Coressel would release his choke hold of K-9 Dutch. Officer Huynh aimed his TASER at Coressel's back area and activated the TASER in probe mode. Officer Huynh assessed prior to each of his three TASER activations.

³⁴ As of the date of the incident, K-9 Dutch was a Limited Certified Police Service Dog who had completed his basic training but has not proven themselves in the field. As such, a Limited Certified Police Service Dog is only deployed on searches when the outstanding suspect is reasonably believed to be unarmed and the search team is comprised of all K-9 handlers and a trainer (Officer Jenkins is a K-9 handler and trainer). Once the police service dog has consistently and successfully made quality finds, then that service dog will be given a Full Certified status and can be used to search for armed suspects as well.

Time – Upon the arrival of Metropolitan Division K-9 officers to the CP, they utilized the time they had to assess the information provided by Sergeant Jacobs, Officers Castillo and Suchecki. Sergeant Miller and Officer Jenkins determined the situation met the criteria for a K-9 search. Officer Jenkins took the necessary time to formulate a tactical plan which utilized the officers they had at scene as well as the K-9s that were available. Officer Jenkins took the time to inform his team members of their roles and the search plan. Sergeant Miller and Officer Jenkins did not start the K-9 search until the K-9 announcements were properly conducted.

Officers Jenkin and Peter's teams conducted a thorough and methodical search, taking the time to make contact with various citizens inside the search area and taking into account all pertinent information that was provided. Once Officer Jenkins heard Coressel yell out and observed he was physically attempting to harm K-9 Dutch. He immediately ordered Coressel to stop moving and to let go of K-9 Dutch. Officer Jenkins communicated to his team his observations and rapidly closed the distance to Coressel and K-9 Dutch with his team. Officers Jenkins and Huynh observed Coressel's aggressive actions in his attempt to choke K-9 Dutch. Officer Huynh deployed his TASER in an effort to prevent Coressel's continued aggressive and combative actions towards K-9 Dutch, which could lead to further injury to Coressel. Officer Jenkins recalled K-9 Dutch as soon as Officer Jenkins observed Coressel release K-9 Dutch. Due to Coressel's violent actions and the dynamic nature of the physical confrontation between Coressel and K-9 Dutch, Officers Jenkins and Huynh were afforded only minimal time to react to the tactical situation.

Redeployment and/or Containment – Prior to the arrival of Metropolitan Division K-9 officers to the CP, a perimeter had been established and containment of the area had been coordinated by the responding officers and the air unit. Throughout the K-9 search, the perimeter positions, established by patrol and Metropolitan Division officers, were maintained in order to keep proper containment of the search area.

Once K-9 Dutch made contact with Coressel, Officer Jenkins and his team closed distance in an attempt to assess the tactical situation. Due to the confined space of the narrow walkway, Officer Jenkins and his team observed that Coressel was contained, however; K-9 Dutch could not be recalled or redeployed due to Coressel utilizing his bodyweight to hold K-9 Dutch down. Additionally, Officer Jenkins and his team were unable to redeploy due to the confined area they were in and the essential nature of maintaining clear visual contact with Coressel and K-9 Dutch, in order to determine the best tactical option to prevent further injury to Coressel and take him into custody without further incident.

Other Resources – After Officers Castillo and Suchecki lost visual contact with Coressel, they established a perimeter to contain the area with the assistance of responding officers and the air unit. Sergeant Jacobs, the IC, after receiving pertinent information regarding the incident, notified Metropolitan Division of the situation, and requested Metropolitan Division K-9 officers to respond and assist with a search.

Metropolitan Division K-9 officers responded to the CP and utilized resources at scene, including patrol and Metropolitan Division police vehicle PA systems as well as pre-recorded K-9 announcements on the MDC of those vehicles. Additionally, Officer Jenkins utilized the air unit to broadcast a K-9 announcement in order to confirm they covered the entire area within the established perimeter. Metropolitan Division K-9 officers utilized two of the four police service dogs they had at their disposal and determined the use of the remaining two K-9s would not be appropriate based on the number of officers that were required to maintain the perimeter in a condensed residential area.

Lines of Communication – Sergeant Jacobs, established lines of communication with the officers at scene as well as Metropolitan Division K-9 officers when he informed them of the incident and requested Metropolitan Division K-9 officers respond to assist with a search.

Sergeant Miller and Officer Jenkins opened lines of communication with Sergeant Jacobs and Officers Castillo and Suchecki upon their arrival to the CP and received information regarding the incident and Coressel's description. Officer Jenkins established lines of communication with his team members when he assigned their roles and advised them of the search plan. Officer Jenkins maintained lines of communication with the CP and perimeter units as he updated the progress of the search periodically. Additionally, Sergeant Miller and Officer Jenkins attempted to open lines of communication with Coressel by having multiple K-9 announcements made throughout the perimeter in an attempt to notify Coressel of the impending K-9 search and have him surrender peacefully.

Upon K-9 Dutch's contact with Coressel, Officer Jenkins immediately attempted to open lines of communication with him by ordering Coressel to stop moving and let go of K-9 Dutch. Officer Jenkins maintained his lines of communication with his team by advising them of his observations and directing them to move up in order to better assess the best tactical option to deploy. Officer Huynh directed Coressel to let go of K-9 Dutch multiple times prior to utilizing his TASER. Upon his observation that Coressel had released K-9 Dutch and was not continuing his violent actions, Officer Jenkins recalled K-9 Dutch who returned back to Officer Jenkins. Officer Huynh provided clear directions to Coressel to place his arms out to his sides at which time Coressel complied and was taken into custody without incident. Additionally, Officer Jenkins immediately contacted the CP to request an RA shortly after Coressel was taken into custody, due to the K-9 contact and TASER deployment.

The UOFRB noted, and the Chief concurred, that Metropolitan Division K-9 officers utilized the time they had to assess the incident, formulated a tactical search plan, established lines of communication, utilized all available resources, and make proper notifications. Once Metropolitan Division K-9 officers arrived at scene, they utilized their available time to open lines of communication with the initial patrol officers and the IC in order to acquire a clear understanding of the incident and determined if met the K-9 deployment criteria for a search. Upon K-9 Dutch locating Coressel, Coressel became physically violent and aggressive with K-9 Dutch. Metropolitan Division K-9 officers

observed Coressel attempting to physically injure K-9 Dutch and ordered Coressel to cease his actions. Coressel refused to comply and continued his attack on K-9 Dutch as officers closed the distance and deployed a TASER to de-escalate tactical situation and prevent further aggressive behavior which may have potentially led to further injury to Coressel. Metropolitan Division K-9 officers were presented with a rapid and dynamic tactical situation in which they were required to make decisions that balanced their own safety and welfare as well as Coressel's.

Additional Tactical Debrief Topics

- **Passing Unsearched Vehicles** – The investigation revealed Officers Castillo and Suchecki, upon their arrival at scene, observed the stolen white Ford F150 pickup truck described in the radio call located in front of 230 Bernard Avenue. They illuminated the vehicle and observed Coressel to be the only occupant. Coressel, shortly thereafter, fled on foot as Officers Castillo and Suchecki followed in their police vehicle. Officers Castillo and Suchecki passed the stolen vehicle while pursuing Coressel in their vehicle. In response to the sudden and rapid nature in which Coressel exited the vehicle and fled on foot, officers only visually cleared the suspect vehicle in order to maintain visual contact of Coressel. Officers Castillo and Suchecki are reminded of the importance of systematically and thoroughly clearing a vehicle, as well as the possible dangers of additional suspects concealing themselves within vehicles. In order to enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.
- **Basic Firearm Safety Rules** – The investigation revealed that Officer Suchecki briefly allowed the muzzle of his service pistol to cover Officer Castillo's back during the incident. Even though this incident was dynamic and fluid in nature, and Officers Suchecki and Castillo had just exited their vehicle and were in foot pursuit of Coressel, Officer Suchecki is reminded to remain mindful of the Department's Basic Firearm Safety Rules at all times. In order to enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Non-Conflicting Simultaneous Commands** – The investigation revealed that Officers Jenkins and Huynh provided simultaneous non-conflicting commands to Coressel to let go of K-9 Dutch as they approached Coressel. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. In order to enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Use of Force Warning** – The investigation revealed that a Use of Force Warning was not provided by Officer Huynh prior to Officer Huynh discharging his TASER at Coressel. In this case, as Officer Huynh closed distance with Coressel, he observed that Coressel had his arm around K-9 Dutch's neck area while utilizing his bodyweight on top of K-9 Dutch, who had obtained a bite hold. Officer Huynh's rapid approach, while providing Coressel commands to let go of K-9 Dutch, required Officer Huynh to make a rapid assessment of the situation, which limited the time he

had to provide a verbal warning. Officer Huynh is reminded of the importance of providing a Use of Force Warning, when feasible, prior to utilizing less-lethal control devices. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Command and Control**

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated officers use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

The investigation revealed Sergeant Jacobs was the first supervisor to arrive at scene. Sergeant Jacobs declared himself the IC and established a CP at Machado Drive and Lincoln Boulevard. He contacted the Metropolitan Division K-9 Unit and requested their response. Sergeant Jacobs briefed Sergeant Miller and Officer Jenkins, on the circumstances of the incident. After being informed of the specifics of the search plan, Sergeant Jacobs approved the search plan and the deployment of the K-9. After the K-9 contact, Sergeant Jacobs was advised that the incident may potentially become a CUOF incident. Sergeant Jacobs notified FID of the

potential for the incident to be investigated as a CUOF incident and had Officers Castillo and Suchecki separated and monitored at Pacific Station.

The investigation revealed Sergeant Miller was notified of a K-9 unit request in Pacific Division. Sergeant Miller contacted the Sergeant Jacobs and advised him that they would respond after the completion of a non-related K-9 search in North Hollywood Division. Sergeant Miller responded to the CP at Machado Drive and Lincoln Boulevard. Sergeant Miller was the K-9 Platoon supervisor at scene and was briefed by Sergeant Jacobs as well as provided details of the incident by Officers Castillo and Suchecki. Sergeant Miller confirmed that the incident met the criteria for the deployment of K-9 for a search. After the K-9 Contact, Sergeant Miller responded to the location where Coressel was taken into custody and began a Use of Force investigation. Additionally, he observed that the bite wound suffered by Coressel may be severe enough for the incident to become a CUOF incident and advised the IC. Sergeant Miller admonished Officers Jenkins, Huynh, Ramirez, and Governale not to discuss the incident in the event the incident was determined to be a Categorical Use of Force. Additionally, Sergeant Miller had the officers separated and monitored at Pacific Station.

The UOFRB noted that although both Sergeants Jacobs and Miller were determined not to have formal findings, they met the requirements of supervisors during a CUOF incident. The UOFRB noted numerous positive steps taken by the supervisors at scene including active oversight and monitoring, in maintaining control of the overall tactical situation. The sergeants adhered to their roles as supervisors and completed their assigned tasks while maintaining effective command and control over the incident. The UOFRB additionally noted that significant amount of time that elapsed before it was confirmed that Coressel would be admitted to the hospital for his injuries. Sergeant Miller's experience was noted as he initiated CUOF protocols before Coressel was admitted.

The actions of Sergeants Jacobs and Miller were consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officers Jenkins, Huynh, Ramirez, and Governale's tactics did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Although it was determined that Officers Castillo and Suchecki would not receive formal findings, the Chief believed that they would benefit from attending the Tactical

Debrief to discuss this multi-faceted incident in its entirety to enhance future performance.

Therefore, the Chief directed that Officers Jenkins Huynh, Ramirez, Governale, Castillo, and Suchecki attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On November 15, 2019, Officers Jenkins and Huynh attended a General Training Update (GTU). All mandatory topics were covered including K-9 Contacts.

Use of Force – General³⁵

- *It is the policy of this Department that officers may use only that force which is “objectively reasonable” to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*

³⁵ Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
 - *The potential for injury to citizens, officers or subjects;*
 - *The risk or apparent attempt by the subject to escape;*
 - *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
 - *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
 - *The availability of other resources;*
 - *The training and experience of the officer;*
 - *The proximity or access of weapons to the subject;*
 - *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
 - *The environmental factors and/or other exigent circumstances.*
- (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Less-Lethal Use of Force³⁶

Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.

The courts have held that Less-Lethal force options are “capable of inflicting significant pain and may cause serious injury.” Therefore, consistent with the Department’s Use of Force Policy, Less-Lethal force options are only permissible when:

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.

TASER: *An officer may use the TASER as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

Because the Department recognizes that each tactical situation is unique and that officers must be given the flexibility to resolve tactical situations in the field, there is no pre-set limit on the number of times the TASER can be used in a particular situation; however, officers should generally avoid repeated or simultaneous activations to avoid potential injury to the suspect. The Department looks to the

³⁶ Los Angeles Police Department Manual, Volume 1, Section 556.10.

“objectively reasonable” standard and the totality of the circumstances in determining the reasonableness of the force used, which may include the number of times a particular force option was utilized. Thus, officers must continually evaluate the situation they are in and the apparent effectiveness of the force option they have selected. If the force option they have selected does not appear to be effective, officers should consider transitioning to another, and potentially more effective, objectively reasonable force option.

The optimal range for the X-26 TASER is 7-15 feet. This range gives the most effective spread of the probes to accomplish neuro-muscular incapacitation (Los Angeles Police Department Use of Force Tactics Directive No. 4.5, Electronic Control Device TASER –July 2018).

Officer Huynh – TASER, three TASER activations, all in probe mode.

First TASER Activation – One six-second activation in probe mode, from an approximate distance of ten feet.

According to Officer Huynh, he did not observe the initial contact between Coressel and K-9 Dutch; however, as Officer Huynh turned the corner of the northeast corner of the residence, he observed an active engagement between the Coressel and K-9 Dutch. As Officer Huynh approached Coressel and K-9 Dutch, he observed that there was nothing immediate in Coressel’s hands. Coressel was choking and actively fighting K-9 Dutch, while K-9 Dutch had a bite hold on Coressel. As Officer Huynh approached to a distance of approximately eight to ten feet, he determined that transitioning to a less-lethal tool was the optimal option based on Coressel’s violent behavior with the dog. Officer Huynh opined that if officers attempted to physically take Coressel into custody, Coressel’s violent behavior toward K-9 Dutch would translate toward the officers. There would also be a high potential an officer could be bitten if they approached K-9 Dutch, while engaged in a struggle with Coressel. Officer Huynh observed Coressel was in a curled-up position with a choke hold on K-9 Dutch, while at the same time putting his body weight on top of K-9 Dutch. Based on the positioning of Coressel and K-9 Dutch, Officer Huynh was sure K-9 Dutch couldn’t get out of Coressel’s hold, leading K-9 Dutch to continue to defend himself against Coressel. Officer Huynh stated he was concerned for Coressel’s welfare because the longer Coressel held onto the dog, and the dog had the bite hold, the greater potential for Coressel to be injured even further. Officer Huynh deployed his TASER in order to de-escalate Coressel’s aggressive resistance and incapacitate Coressel long enough so that Coressel would release his choke hold of K-9 Dutch. Officer Huynh aimed his TASER at Coressel’s back area and activated it in probe mode. Officer Huynh stated there was no time to feasibly issue a Use of Force Warning because Coressel was already aggressively choking and holding down K-9 Dutch.

Officer Huynh recalled, *“I could see that there was nothing immediate in his hands other than the fact that he was choking the dog. I elected at that point even though I could hear in the background someone calling out TASER up I knew that I was in*

the only position to the apply -- to apply any less lethal force. So, I elected at that point to holster my sidearm and transition to my TASER as I began to move forward. The closer I got I could see that the suspect had the dog and there was a bite hold that the dog had on the suspect. The suspect was actively fighting the dog. And as I approached to a distance of maybe eight -- eight to 10 feet my options were beginning to narrow because I realized at this point that the one, for sure I -- I wasn't in a position to deploy any type of lethal force. Now I've made the decision to go to the less lethal and the reason for that is his behavior with the dog, his violent behavior with the dog I knew it would eventually translate to me if I would just go put hands on.³⁷

I did -- I was concerned about his welfare because the longer he held onto the dog and the dog had the bite hold of him the -- the greater potential for him being injured even further. But being a handler myself I also know that the dog can't be recalled if he's choking the dog and the dog is only doing mother nature defending himself at that point.³⁸

So the only options that I had in front of me to deescalate this and stop his aggressive resistance to our tool, our arrest tool, was to use the TASER and incapacitate him long enough so that he would release the dog and I'd be able to get closer and one of us would be able to get hands on. Because he had the dog and if he didn't release the dog if we were to just -- and all of this is going through my mind. If I went up or one of us went up and tried putting hands on him the fight between him and the dog would definitely translate over to one of us. Meaning for sure from him in my mind it was a hundred percent it was going to translate to us but because the dog is in a fight and the potential for myself or one of the other handlers getting bit was very high as well.³⁹

So I knew at this point I had to -- I had to use the TASER to stop his aggressive behavior but and -- and to explain why there was no time to feasibly give him the warning was by the time I got to about that seven to eight feet or eight to feet he had now because he was originally in that curled-up position with the choke hold he had now spun to where he was putting his body weight on top of the dog. That for sure I knew the dog couldn't get out. And the reason I say that is if the dog can't get out he's going to continue to defend himself and the injury to the suspect would just increase. And if he -- and because he spun on himself or spun over the dog now one of his hands were out of my view. So, the TASER was my only option at that point to -- to prevent any further escalation of force and to deescalate what was going on as fast as possible.⁴⁰

³⁷ Huynh, Page 16, Lines 3-21.

³⁸ *Id.*, Page 16, Lines 23-25 and Page 17, Lines 1-4.

³⁹ *Id.*, Page 17, Lines 5-19.

⁴⁰ *Id.*, Page 17, Lines 20-25 and Page 18, Lines 1-11.

*That I may use a TASER when suspect is violently resisting arrest which at that point, he was violently resisting a tool of our arrest and that violence was going to translate to me.*⁴¹

*Well, that the suspect was -- is violently resisting arrest and that the immediate threat of violence and physical harm would occur if I -- if I didn't use the TASER.*⁴²

*Typically, we try to get the dog. If -- if -- if the tactical position presents itself where recalling the dog immediately. You know he's unarmed, you know he's not going pop up with a knife and charge one of us then yes, we would typically try to get the dog off as fast as possible. In this particular case, the dog couldn't be recalled because he had hold of the dog. So, in regards to the training of the dog the dog is allowed to defend himself if he's engaged and he -- and he cannot be recalled. And in this particular case he clearly would not be able to recall to our side because the suspect had a hold of him.*⁴³

*Actually, when he rolled over, he gave me the perfect -- the ideal aiming target area which was his back. And I saw the opportunity there and I discharged the TASER and I saw the probes land in a diagonal from left to lower right pattern on his lower back.*⁴⁴

*I only heard what occurred until I turned the corner and saw the act -- active engagement between the suspect and dog.*⁴⁵

Second TASER Activation – One five-second activation in probe mode, from an approximate distance of ten feet.

According to Officer Huynh, after his initial TASER activation, he observed the TASER darts make solid contact with Coressel's back and observed that the TASER didn't have the immediate effect of neuromuscular incapacitation that a TASER commonly generates. Officer Huynh observed Coressel continue to have mobility in his arms and was still thrashing around. Officer Huynh activated his TASER a second time in order to prevent Coressel from re-engaging K-9 Dutch and going back to his violent behavior.

Officer Huynh recalled, *"And during that when the initial darts or probes landed and it didn't have that immediate effect that everyone thinks the TASER has. And I -- what I witnessed was that the suspect was still had his mobility of his arms and he's still moving around thrashing around. I knew at that point that I needed to continue the*

⁴¹ *Id.*, Page 18, Lines 18-21.

⁴² *Id.*, Page 19, Lines 6-9.

⁴³ *Id.*, Page 19, Lines 17-25 and Page 20, Lines 1-3.

⁴⁴ *Id.*, Page 21, Lines 7-11.

⁴⁵ *Id.*, Page 22, Lines 7-9.

*sec -- with a follow-up, a second activation in order to prevent his -- his going back to that violent behavior because there's no way I could put hands on him if he's still flailing around.*⁴⁶

*I don't want to put any percentage, but it doesn't have the lock up and freezing of that.*⁴⁷

Third TASER Activation – One five-second activation in probe mode, from an approximate distance of ten feet.

According to Officer Huynh, after the second activation ended there was a brief moment where Coressel was able to sit himself back up and grab K-9 Dutch again. Officer Huynh observed that Coressel was able to get full mobility again and Coressel's arm was wrapped around K-9 Dutch. Officer Huynh believed that allowing Coressel to re-engage and continue to fight with K-9 Dutch would only increase the potential for injury to Coressel. Officer Huynh believed he needed to give Officer Jenkins the opportunity to call K-9 Dutch back so that no further injury would be sustained by Coressel, who was actively fighting K-9 Dutch. Officer Huynh activated his TASER a third time in order to limit Coressel's aggressive behavior and allow K-9 Dutch to be recalled.

Officer Huynh recalled, *"After the second activation ended there was a brief moment where he was able to sit himself back up and then he grabs the dog again. At that point, I knew I have -- I have to give the handler the opportunity to call the dog back if he doesn't let this dog go the -- the potential to -- for injury for him escalates even further. And again, going back to officer safety, if he's going to do that to the dog, he's definitely going to translate to me. I'm going in there. If I put my hands on and now the dog's in a fighting mode again both of us are going to get injured. That's why I activated the third time.*⁴⁸

*That -- it didn't do much more but it prevented him -- it -- it pulled his hands in to his side to -- closer to his body where the dog was released.*⁴⁹

*When that second TASER ride ended. That's when he was able to get full mobility again and he went for the dog.*⁵⁰

*His arm had wrapped around the dog but because I saw it at that point I knew that even with the minimal effect that I had from the TASER it would at least take -- take his hands off the dog so that the dog could be removed from the picture.*⁵¹

⁴⁶ *Id.*, Page 24, Lines 8-17.

⁴⁷ *Id.*, Page 25, Lines 15-16.

⁴⁸ *Id.*, Page 24, Lines 18-25 and Page 25, Lines 1-3, and 5.

⁴⁹ *Id.*, Page 25, Lines 21-23.

⁵⁰ *Id.*, Page 26, Line 3 and 5-6.

*It actually locks him up more than the first two and whether it almost seemed like he surrendered but that's just my -- not surrender but like almost, okay, I'm not going to do this again but again, that's my speculation. And but based on what I've seen he pulled back enough to where I let that third ride go and then I -- I didn't see a need to activate it again. He actually laid back on his back.*⁵²

In this case, the UOFRB considered Officer Huynh's experience of approximately eight and a half years as a K-9 handler during their assessment of the use of the TASER by Officer Huynh during the K-9 contact incident. As Officer Huynh moved forward towards Coressel and K-9 Dutch, Officer Huynh observed K-9 Dutch with a bite hold of Coressel while Coressel had a "choke hold" on K-9 Dutch as Coressel utilized his bodyweight to pin K-9 Dutch down to the ground.

The UOFRB considered Officer Huynh's verbal attempts to command Coressel to release K-9 Dutch, to which Coressel did not comply. Additionally, the tactical situation was dynamic and Officer Huynh made the rapid decision to utilize a TASER in an effort to de-escalate the encounter as he believed K-9 Dutch would not be able to free himself from the struggle as Coressel was utilizing his bodyweight to hold K-9 Dutch down. The UOFRB noted Officer Huynh, based on his experience, opined K-9 Dutch would naturally continue his bite hold to defend himself. Officer Huynh deployed his TASER in an effort to prevent Coressel from continuing to aggressively engage K-9 Dutch and potentially sustaining further injury.

Officer Huynh observed that his first TASER activation did not have the full neuromuscular incapacitation that a TASER commonly generates, which led to Coressel continuing his aggressive movement and having control of his limbs. Officer Huynh activated his TASER a second time in order to prevent further aggressive and violent actions by Coressel and allow K-9 Dutch to disengage and be recalled. The UOFRB noted Officer Huynh's observations that Coressel sat up after the second TASER activation had completed and continued his violent actions when he attempted to grab K-9 Dutch around his neck area. Officer Huynh activated his TASER a third time to cease Coressel's aggressive actions towards K-9 Dutch which would prolong the physical confrontation with K-9 Dutch, may draw Officer Huynh or his team members into the confrontation, and potentially increase the level of injury to Coressel or officers. Upon Officer Huynh's third TASER activation, Coressel ceased his physical resistance and laid on his back. Officer Huynh advised he assessed through each of his TASER activations and observed Coressel's compliance after the third TASER activation.

Based upon the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Huynh, while faced with similar circumstances, would believe the applications of the TASER to stop Coressel's actions was objectively reasonable.

⁵¹ *Id.*, Page 26, Lines 11-15.

⁵² *Id.*, Page 26, Lines 19-25 and Page 27, Line 3.

Therefore, the Chief found Officer Huynh's Less-Lethal Use of Force utilizing the TASER to be objectively reasonable and In Policy, No Further Action.

Deployment of K-9⁵³

- *Department K-9s have proven to be invaluable in Department operations. Department K-9s may be used to assist officers in the performance of their duties when such assistance is beneficial to Department operations and to community welfare. When a police service dog is deployed, the dog handler shall have sole responsibility for the control and direction of the dog.*

Consistent with Department Manual, Volume 1, Section 571, Department K-9s may be used in the following circumstances:

- *In the detection, control and apprehension of a suspect when there is a reasonable suspicion of the suspect's involvement in criminal activity;*
- *In the search of buildings and large areas for suspects;*
- *In the investigation of a crime or possible crime;*
- *In searches for narcotics and/or narcotic paraphernalia;*
- *In searches for explosives and/or explosive devices; or,*
- *In criminal and non-criminal incidents to assist in the search for missing juveniles or adults.*

At the start of a K-9 search, the K-9 officer directing the search shall give or cause to be given a K-9 announcement and warning that a K-9 will be deployed. In those situations, where noise or perimeter size is a factor, consideration should be given to the use of a vehicle or helicopter public address system (K-9 Manual, Los Angeles Police Department, Metropolitan Division, 2011).

Sergeant Miller and Officer Jenkins responded to the CP of the K-9 request in Pacific Division. And met with Sergeant Jacobs who informed them of the circumstances of the incident. Additionally, Officers Castillo and Suchecki provided Sergeant Miller with further detailed information on the initial radio call and Coressel's description. Based on the information he received, Sergeant Miller confirmed that the criteria for a K-9 deployment for a search was met and authorized K-9 officers to conduct a search for the GTA suspect. Officer Jenkins formulated a tactical search plan utilizing two K-9 search teams. Sergeant Miller concurred with the search plan and informed Sergeant Jacobs on the specifics of the tactical search plan. Sergeant Jacobs approved both the search plan and the deployment of K-9 for a search.

According to Officer Jenkins, he formulated a tactical search plan that consisted of two K-9 search teams working in coordination with each other. Officer Jenkins was designated to lead the first K-9 search team with K-9 Dutch and Officer Peters was

⁵³ K-9 Manual, Los Angeles Police Department, Metropolitan Division, 2011

designated to lead the second search team with K-9 Storm. The search plan involved Officer Jenkins' team responding and searching the location where Coressel jumped over the fence, 721 Ozone Street, then holding at that position. Officer Peters' team would search the alley north of Ozone Street, south of Navy Street. If Coressel was not located, Officer Jenkins' intended for the K-9 teams to move north to Navy Street and starting from mid-block, search the south side of Navy Street.

Between 0009 and 0021 hours, multiple K-9 search announcements were made over the PA systems from police vehicles positioned around the perimeter. Additionally, Unit Air 3 gave a K-9 Announcement above the search area. The officers making the announcements utilized the pre-recorded message from the MDC in their respective police vehicles. Their positions on the perimeter and shop numbers were documented by Sergeant Miller.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that the post contact procedures were consistent with established criteria.

Contact of the K-9⁵⁴

- *The use of a K-9 is a valuable tool in the detection of suspects, and generally not an apprehension tool. When a K-9 contact occurs the K-9 team will be evaluated on the ability to detect and the K-9 officers' ability and skill level in the management and control of his/her search team deployment.*

LAPD Metropolitan Division K-9 Search announcement:

"To the person or persons who are hiding from the police. Make your location known to us immediately. Put down all weapons, come out with your hands raised, and follow directions. If you do not, a police dog will be used to find you. When the dog finds you, do not move or you may be bitten. You have one minute to surrender" (Los Angeles Police Department, Metropolitan Division, 2011).

In this case, multiple K-9 announcements were made via the PA systems; however, Coressel failed to respond to the K-9 announcements. Coressel remained hidden from sight and continued to evade detection and apprehension by officers.

According to Officer Jenkins, K-9 Dutch continually worked along the front of some residences along the south side of Navy Street, until K-9 Dutch made a right turn into a narrow walkway between the residences of 738 and 740 Navy Street. Officer Jenkins and his team moved to a position where they could see down the side of the residences. Officer Jenkins observed K-9 Dutch had moved south to the end of the walkway and as he was coming back he started to sniff some plants. As K-9 Dutch was searching, Officer Jenkins heard someone yell. Based on Officer Jenkins hearing the yell and observing the action from K-9 Dutch's hind quarter area, it

⁵⁴ K-9 Manual, Los Angeles Police Department, Metropolitan Division, 2011.

appeared that a contact had occurred. Officer Jenkins did not actually see the contact occurring until Coressel came out into the middle of the walkway between the two residences.

According to Officer Jenkins, he was not able to see what initiated the contact but believed that based on his experience and on K-9 Dutch's training, if someone yells and moves to make that yelling sound; it is something that could have been interpreted by K-9 Dutch as violent threat. Officer Jenkins opined yelling is an action that is typically accompanied by movement. Officer Jenkins believed that Coressel's actions of yelling and movement possibly prompted K-9 Dutch to respond with a bite. He observed Coressel become very aggressive with K-9 Dutch as he placed K-9 Dutch in a carotid choke hold and rolled his body over onto K-9 Dutch's neck, pinning K-9 Dutch to the ground. Officer Jenkins immediately instructed Coressel to stop moving and to let go of K-9 Dutch. Coressel failed to comply to his repeated commands to stop moving. Coressel continued his very aggressive attack on K-9 Dutch and appeared that he was trying to physically harm K-9 Dutch.

The UOFRB noted K-9 Dutch did not bark upon locating Coressel, as police service dogs are trained to do. Consideration was made to Officer Jenkins' 12 years of expertise and experience as a K-9 handler and trainer, when he opined that Coressel's loud yelling was possibly accompanied by movement which K-9 Dutch would have taken as a violent threat and reacted in accord with his training which was to make contact with Coressel. Additionally, the UOFRB noted the investigation could not determine if the K-9 contact occurred when Coressel yelled or when Coressel moved to the middle of the walkway, which is when Officer Jenkins first observed the K-9 contact.

Note: The UOFRB discussed that K-9 Dutch had been involved in a K-9 search in North Hollywood Division for a GTA suspect, just prior to this incident. K-9 Dutch successfully located that suspect and barked to notify Officer Jenkins. K-9 Dutch obeyed Officer Jenkins commands and that suspect was arrested without incident.

According to Officer Jenkins, he directed his team to move up in order to get into a closer position to better assess the tactical situation. Based on Coressel's aggressive behavior towards K-9 Dutch, Officer Jenkins formed the opinion that Coressel would additionally fight with officers if they attempted to physically contact and take Coressel into custody. Officer Jenkins assessed he needed to get K-9 Dutch away from Coressel's hold. According to Officer Jenkins, K-9 Dutch was still biting Coressel and the only way to minimize and prevent additional injury to Coressel would be to stop his aggressive violent behavior toward K-9 Dutch. In an effort to de-escalate the situation, recall K-9 Dutch and safely take Coressel into custody, Officer Jenkins requested a TASER to be deployed.

According to Officer Jenkins, he observed Officer Huynh's first TASER activation did not fully stop Coressel's actions and Coressel continued to fight with K-9 Dutch. Officer Jenkins heard a second TASER activation and observed a moment where it

seemed like Coressel let go of K-9 Dutch. Officer Jenkins immediately recalled K-9 Dutch by issuing multiple "Platz" commands, which are heel commands. Officer Jenkins also utilized his E-collar in conjunction with his first three "Platz" commands. Additionally, K-9 Dutch released his bite hold during Officer Jenkins second "Platz" command. Officer Jenkins then observed Coressel reach out and grab K-9 Dutch, which caused K-9 Dutch to re-engage with Coressel.

After the third TASER activation, Coressel released K-9 Dutch and laid on his back. Officer Jenkins issued additional "Platz" commands to help navigate K-9 Dutch back to Officer Jenkins' position, at which point he placed K-9 Dutch on a leash.

The UOFRB considered Officer Jenkins multiple attempts to order Coressel to stop moving and let go of K-9 Dutch. Coressel refused to comply to the commands. In an effort to de-escalate the situation, recall K-9 Dutch, and safely take Coressel into custody, Officer Jenkins requested a TASER to be deployed. Officer Jenkins believed that Coressel's violent actions would lead to further injury to Coressel, due to K-9 Dutch having a bite hold on Coressel, and K-9 Dutch's training to continue to keep a hold of Coressel until being recalled. Officer Jenkins observed that Coressel's bodyweight on K-9 Dutch would prevent K-9 Dutch from being recalled.

The UOFRB noted, once the TASER was deployed by Officer Huynh, Officer Jenkins continued to monitor the encounter and observed that the TASER had some effect, however, it was not the full neuromuscular incapacitation that the TASER is intended for. Officer Jenkins observed that Coressel still was moving around in a violent and aggressive manner and was continuing to resist. The UOFRB noted Officer Jenkins redeployed further north, away from the physical confrontation, while continuing to monitor Coressel's physical compliance. Once Officer Jenkins observed a moment where Coressel released K-9 Dutch, and K-9 Dutch could safely be recalled, he issued his verbal "Platz" command in conjunction with activating K-9 Dutch' E-Collar. The UOFRB considered that Coressel attempted to re-engage and grab K-9 Dutch again which appeared to cause confusion and possible hesitation after K-9 Dutch had released his bite hold and began to return to Officer Jenkins. Although K-9 Dutch had released his bite hold during Officer Jenkins' second "Platz" command, Officer Jenkins continued to verbally issue "Platz" commands in order to guide K-9 Dutch back to him around the officers on his team. Officer Jenkins issued a total of nine "Platz" commands before K-9 Dutch reached him. Additionally, the UOFRB noted the confined area where the K-9 contact occurred, as well as the disruptive and loud ambient noise created by the air unit circling overhead and Coressel's continued yelling.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that the K-9 Contact was consistent with established criteria.

Post K-9 Contact Procedures⁵⁵

- *When a K-9 contact occurs and the subject of the contact is hospitalized (admitted) as a result of the contact, the incident is classified as a Categorical Use of Force incident and Force Investigation Division (FID) shall respond and conduct the investigation. When any supervisor investigating a K-9 contact becomes aware that the injury is likely to result in hospitalization, the K-9 supervisor shall make the appropriate notifications. The K-9 platoon OIC shall ensure that a K-9 supervisor is assigned to assist FID with its investigation as it relates to the K-9 related investigation (K-9 Manual, Los Angeles Police Department, Metropolitan Division, 2011).*

After Coressel was taken into custody, Officer Jenkins immediately contacted the CP to request a Rescue Ambulance (RA) for Coressel at 738 Navy Street. Officers Castillo and Suchecki, responded to Coressel's location and positively identified Coressel as the GTA suspect that fled from the stolen vehicle.

Santa Monica Fire Department (SMFD) personnel responded to the scene and transported Coressel to University of California Los Angeles (UCLA) Santa Monica Hospital for a dog bite injury to his right lower leg and TASER puncture wounds to his back.

Sergeant Miller determined Coressel's leg injury caused by the K-9 contact may be severe enough to require hospitalization and advised Sergeant Jacobs. Sergeant Miller, believing the incident could result into a CUOF, admonished Officers Jenkins, Huynh, Ramirez, and Governale not to speak about the incident and had them separated and monitored at Pacific Division Community Police Station. Sergeant Miller advised Sergeant Jacobs that the incident may potentially become a CUOF. Sergeant Jacobs had Officers Castillo and Suchecki separated and monitored at Pacific Division Community Police Station and later notified FID of the potential for the incident to be investigated as a CUOF.

According to the FID investigation, at 0416 hours, Detective T. Grabe, Serial No. 32649, FID, received telephonic notification to respond to Pacific Division Community Police Station to conduct a CUOF Assessment of the K-9 contact.

According to the FID investigation, Coressel was treated at UCLA Santa Monica Hospital and later released and cleared to be booked. At approximately 0441 hours, Officers Baeza and Jalomo transported Coressel to Pacific station for booking. While waiting to be booked, Coressel's leg bandage came off, requiring the response of Los Angeles Fire Department (LAFD). Coressel was subsequently transported by an LAFD RA to UCLA Ronald Reagan Medical Center.

According to the FID investigation, at 1050 hours, after learning that Coressel would be admitted to UCLA Ronald Reagan Medical Center, Detective A. Rheault, Serial

⁵⁵ K-9 Manual, Los Angeles Police Department, Metropolitan Division, 2011.

No. 33961, FID, notified the DOC, of Coressel's hospitalization and that FID would be handling the administrative investigation related to the K-9 Contact.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that the post contact procedures were consistent with established criteria.

Additional/Equipment

- **Police Attire** – The investigation revealed that Officer Governale was wearing a tactical utility uniform and a tactical vest; however, his tactical vest was non-descript and did not have the required distinctive law enforcement identification markings on the front. Captain L. Sands, Serial No. 25012, Commanding Officer, Metropolitan Division, advised that this issue was addressed through the generation of a Supervisory Action Item (SAI) and the issuance of a Notice to Correct Deficiencies for this incident. Additionally, Captain Sands advised that a visual inspection was conducted on all Metropolitan Division K-9 officers' tactical vests to ensure they were adorned with the proper identifying markings in accordance with Department Standards. The Commanding Officer of Counter-Terrorism and Special Operations Bureau (CTSOB) and the Director of the Office of Special Operations (OSO) concurred with this action. As such, the Chief deemed no further action is necessary.
- **TASER Positioning** – The investigation revealed that Officer Governale's TASER was secured to his tactical vest on his primary-hand side, in neither a cross draw or support side draw position. Captain Sands advised that this issue was addressed through the generation of a SAI and the issuance of Notice to Correct Deficiencies for this incident. Additionally, Captain Sands advised that a visual inspection was conducted on all Metropolitan Division K-9 officers' tactical vests to ensure that their TASER were in accordance with Department Standards. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Ballistic Helmets** – The investigation revealed that Officers Jenkins, Huynh, Ramirez, Governale, and Peters, did not don their ballistic helmets during the K-9 search. Although, the Metropolitan Division K-9 officers were not required to don their ballistic helmets based on the specific criteria for K-9 searches for unarmed suspects at the time, officers are reminded of the importance of donning their ballistic helmets while involved in a tactical situation involving searches for outstanding felony suspects.

Captain Sands advised this issue was addressed through divisional training and a revised divisional order requiring all Metropolitan Division K-9 officers to don their ballistic helmets and vests on all searches for outstanding felony suspects. The Commanding Officer of CTSOB and the Director of OSO concurred with these actions. As such, the Chief deemed no further action is necessary.

- **BWV Activation** – The investigation revealed Officer Castillo had a late activation during the incident. An analysis by Pacific Division determined Officer Castillo had no prior BWV non-compliance incidents. Captain B. Morrison, Serial No. 30789, Commanding Officer, Pacific Patrol Division, addressed this issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of Operations – West Bureau (OWB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed Officers Sucheki had a late activation during the incident. An analysis by Pacific Division determined Officer Sucheki had no prior BWV non-compliance incidents. Captain Morrison addressed this issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Operations – West Bureau conducted a random inspection of BWVs assigned to Officers Castillo and Sucheki from May 1, 2020 through May 30, 2020, for compliance with BWV policy specific to late activation. The results of the inspection indicated both officers were in compliance.

The investigation revealed Officers Baeza did not activate his BWV while transporting Coressel from Santa Monica Hospital to Pacific Station. An analysis by Pacific Division determined Officer Baeza had no prior BWV non-compliance incidents. Captain Morrison addressed this issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed Jalomo did not activate his BWV while transporting Coressel from Santa Monica Hospital to Pacific Station. An analysis by Pacific Division determined Officer Jalomo had no prior BWV non-compliance incidents. Captain Morrison addressed this issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Operations – West Bureau conducted a random inspection of BWVs assigned to Officers Baeza and Jalomo from May 1, 2020 through May 30, 2020, for compliance with BWV policy specific to no activation. The results of the inspection indicated both officers were in compliance.

The investigation revealed that Officer I. Guillermo, Serial No. 35060, Metropolitan Division, had a late activation of his BWV while conducting a pedestrian stop on a possible suspect on the perimeter. An analysis by Metropolitan Division determined Officer Guillermo had no prior BWV non-compliance incidents. Captain Sands addressed the issue with divisional training and an informal discussion. The

Commanding Officer of CTSOB and the Director of OSO concurred with these actions.

Special Operations Group conducted a random inspection of BWV assigned to Officer Guillermo from April 30, 2020 through June 30, 2020, for compliance with BWV policy specific to late activation. The results of the inspection indicated Officer Guillermo was compliant on seven of eight selected incidents, which have been addressed with the issuance of a SAI and an Employee Comment Sheet.

The investigation revealed Officer B. Collins, Serial No. 33382, Metropolitan Division had a late activation while conducting a pedestrian stop on a possible suspect on the perimeter. An analysis by Metropolitan Division determined Officer Collins had one prior BWV non-compliance incidents. Captain Sands addressed the issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of CTSOB and the Director of OSO concurred with these actions. As such, the Chief deemed no further action is necessary.

Special Operations Group conducted a random inspection of BWVs assigned to Officer Collins from September 12, 2019 through November 12, 2019, for compliance with BWV policy specific to late activations. The result of the inspection indicated Officer Collins was in compliance.

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)** – Force Investigation Division investigators reviewed the DICVS to ascertain if any DICVS-equipped units responded to this incident. The investigation determined there were a total of 12 Pacific units equipped with DICVS. Eight had footage of their response and subsequent positions on the perimeter. Officers Baeza and Jalomo, had footage of the transport of Coressel from Santa Monica Hospital to Pacific station. There was no DICVS footage of the K-9 contact.
- **Body Worn Video (BWV)** – Force Investigation Division investigators reviewed footage obtained from the BWV system. The investigation determined that 24 officers from Pacific Area responded to the scene and activated their BWV at some point during their response. Nine officers from Metropolitan Division responded to the perimeter, two of those officers, Officers Guillermo and Collins, activated their BWVs during an encounter with a member of the public. A review of the BWV footage determined Officer Suchecki BWV footage captured the foot pursuit with Coressel. Six Metropolitan Division K-9 officers responded to the perimeter and conducted a K-9 search. Officers Jenkins, Huynh, Ramirez, and Governale activated their BWVs and captured Coressel's movements and audio during the K-9 contact.

Chief's Direction

- The Chief directed the Director of the Office of Special Operations to complete the current review of the updated K-9 Procedures and Guidelines Handbook, which is

undergoing review and input by subject matter experts. The Department will continue to evaluate best practices, ensuring consistent and effective protocols for the deployment of the Department's police service dogs. It should be noted that the proposed revisions to the current K-9 Procedures and Guidelines Handbook, if applied, would not have impacted the outcomes of this incident.

Additionally, as noted in this incident was a lack of departmentwide standardized policy guiding officers on when to don ballistic helmets when conducting an organized tactical search for a felony suspect. The Chief directed that one uniform policy be drafted requiring the use of ballistic helmets during organized searches unless there is a clearly delineated exigency given specific circumstances.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment, beyond those already identified by the Chief.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- The OIG concurs with the Chief's analysis.

BWV and DICVS Policy Compliance

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2- MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
26806	Officer Steven Jenkins	Yes	Yes	Yes	N/A	N/A
31499	Officer Nhut Huynh	Yes	Yes	Yes	N/A	N/A
33872	Officer Alan Ramirez	Yes	Yes	Yes	N/A	N/A
40360	Officer Alvaro Governale	Yes	Yes	Yes	N/A	N/A
42450	Officer Suchecki	No	Yes	No	N/A	N/A
41733	Officer Castillo	No	Yes	No	N/A	N/A
43803	Officer Jalomo	No	Yes	No	Yes	Yes
36110	Officer Baeza	No	Yes	No	Yes	Yes
35060	Officer Guillermo	No	Yes	No	N/A	N/A
33382	Officer Collins	No	Yes	No	N/A	N/A

Additional

- As noted below in the *Inspector General Recommendations* section of this report, current policy regulating the use of K-9s to bite suspects identifies examples of situations in which directed K-9 bites are permissible, including against a suspect

who is assaulting the K-9. The OIG believes that these examples lack context and exclude consideration of key reasonableness factors, such as the seriousness of the threat posed by a suspect's actions or the opportunities available to an officer to employ de-escalation techniques, which would normally be considered as part of the totality of the circumstances in a use of force evaluation. The inclusion of such examples of permissible K-9 bite scenarios within K-9 policy therefore raises the potential for that policy to be seen as authorizing the use of a K-9 bite in a manner that is at odds with the Department's use of force policy.

As noted in the Chief's report, the K-9 Manual is currently under review. The OIG recommends that this review include consideration of eliminating the use of examples of permissible K-9 bite scenarios in order to ensure consistency with the Department's general use of force policy.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.

Less-Lethal Use of Force

- The OIG concurs with the Chief's findings.

Deployment of K-9

- The OIG concurs with the Chief's findings.

Contact of K-9

- The Department K-9 Manual defines a "Defensive or responsive bite" as follows: "*A bite which is in response to an aggressive or threatening action towards the K-9, K-9 officer, or other, based on instinct and training.*"⁵⁶ The manual further states that, "*In circumstances where the K-9 bites a suspect, the K-9 officer shall call the K-9 off as soon as is objectively reasonable as outlined in the Use of Force policy.*"⁵⁷

With regard to directed bites, the K-9 Manual states the following:

⁵⁶ K-9 Platoon Procedures and Guidelines Handbook, August 26, 2011, Page 5.

⁵⁷ *Id.*, Page 15.

Directed Bite (Bite Deployment)

A K-9 officer may direct his/her K-9 to bite a suspect and or apprehend a fleeing or otherwise evading suspect by biting when it is objectively reasonable as outlined in Use of Force policy.

Examples in Which a Contact May be Directed

The reasonableness of the belief that the suspect posed a risk of harm to the officers or the community is an objective assessment and will be based on the totality of the circumstances. The K-9 officer must clearly articulate the rationale for the directed bite in related report(s).

Examples:

- *A K-9 officer may direct his/her K-9 to bite a suspect that is assaulting the K-9, i.e., choking, punching, kicking, etc.*
- *The suspect(s) attempts and/or assaults officers or others with either a weapon or the use of great bodily force;*
- *The suspect(s) threatens the use of deadly force on officers, himself/herself or others; or,*
- *The suspect's escape will objectively create an escalation in the threat to public safety or officer safety.⁵⁸*

In this case, the investigation did not specifically determine what caused the K-9 to initially bite the suspect. However, the available evidence is consistent with a scenario wherein the K-9 initiated a bite in response to the suspect's actions. Following Officer Jenkins becoming aware of the contact between the K-9 and the suspect, he did not immediately recall the dog. According to Officer Jenkins, upon making his initial observations of the suspect's hold/assault on the dog, he instead took steps to cause the suspect to release the dog. These steps included the issuance of multiple commands to the suspect as well as calling for a TASER to be deployed.

The available video evidence shows the suspect in a position that appears to be consistent with him holding onto the dog with his right arm during the early moments of the contact; however, the video images are insufficiently clear to facilitate an independent evaluation of Officer Jenkins's assessment that attempts to recall the dog at that point in time would not have been effective due to the suspect's actions. It is noted that Officer Huynh, who is an experienced K-9 Handler, indicated to FID that he believed the suspect's "choking" hold on the dog was such that the recall of the dog would not have been possible.

⁵⁸ *Ibid.*

In its consideration of the decision by Officer Jenkins to delay the issuance of a recall command to his K-9, the OIG considered the above-described evidence regarding Officer Jenkins's assessment of the suspect's hold/assault on the dog, as well as the policy describing a suspect's assault on a dog as an example of a permissible basis for a directed bite. Although the initiation of the K-9 bite in this case was not directed by Officer Jenkins, the policy's suggestion that a directed bite would have been permissible under the circumstances that appear to have occurred tends to support Officer Jenkins's decision to delay issuing recall commands to his dog once the bite had already been initiated and while the suspect continued to hold/assault the dog. A preponderance of the available evidence supports that Officer Jenkins began to issue recall commands, reinforced by the use of the e-collar, once he had observed the suspect let go of the dog following the use of the TASER.

The protracted K-9 bite and the substantial injury that resulted from it – to a suspect who was being sought regarding a property crime and who had not used or threatened violence against any person – is a matter of concern in this case. However, given the available evidence regarding Officer Jenkins's decision to delay the K-9's recall based on the suspect's actions toward the dog, in concert with the noted provisions of current K-9 policy allowing for a directed bite in response to such actions, the OIG concurs with the Chief's finding that the K-9 contact in this instance was consistent with established criteria.

Post K-9 Contact Procedures

- The OIG concurs with the Chief's findings.

A handwritten signature in black ink, appearing to read "M. P. Smith". The signature is fluid and cursive, with the first name "M." and last name "Smith" clearly distinguishable.

Mark P. Smith
Inspector General